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October 26, 2012

**VIA FACSIMILE**

Honorable Harold Baer, Jr.  
United States District Judge  
United States Courthouse  
500 Pearl Street, Room 2230  
New York, NY 10007

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DOCUMENT	336,915-002
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Re: United States v. Carollo, et al., S1 10 Cr. 654 (HB)

Dear Judge Baer:

We represent Peter Grimm in this case. We are writing to request that the Court correct a clerical error in the Judgment entered on October 25, 2012.

At sentencing, we requested that the Court recommend that Mr. Grimm be designated by the Bureau of Prisons ("BOP") "to the camp at Fort Dix, which is proximate to where Mr. Grimm lives and his family lives." Your Honor agreed to make that recommendation. Tr. at 64-65 (enclosed). The October 25 Judgment, however, describes the Court's recommendation as "incarcerat[ion] at FCI Ft. Dix, NJ," rather than at the camp at Fort Dix. In order to avoid any misunderstanding by the BOP about the Court's recommendation, we respectfully request that the Judgment be revised pursuant to Fed. R. Crim. P. 36 to accurately reflect Your Honor's recommendation that Mr. Grimm be incarcerated at the satellite camp facility at FCI Fort Dix. See *Cherry v. United States*, 489 F. Supp. 2d 372, 374 n.1 (S.D.N.Y. 2007) (granting application to correct clerical error in judgment to clear up an "inconsistency [that] may have created an uncertainty on the part of the Bureau of Prisons").

*I think I accomplished your  
recommendation at least for now.  
SO ORDERED:  
Howard E. Heiss*

Respectfully submitted,  
*Howard E. Heiss*

Howard E. Heiss  
of O'MELVENY & MYERS LLP

Enclosure

cc: Counsel of Record (via e-mail)

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CAIKCARS  
1 UNITED STATES DISTRICT COURT  
1 SOUTHERN DISTRICT OF NEW YORK  
2 -----x  
2 UNITED STATES OF AMERICA,  
3

3 v.

4 10 CR 654 (HB)

5 DOMINICK P. CAROLLO,  
5 STEVEN E. GOLDBERG,  
5 and PETER S. GRIMM,  
6

6 Defendants.  
7 -----x

7 New York, NY  
8 May 18, 2012  
8 10:40 a.m.

9 Before:

9 HON. HAROLD BAER, JR.,  
10 District Judge

11 APPEARANCES

12 U.S. DEPARTMENT OF JUSTICE  
12 ANTITRUST DIVISION  
13 Attorneys for Government  
13 ANTONIA R. HILL  
14 WENDY H. WASZMER  
14 STEVEN TUGANDER  
15 Trial Attorneys

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17 WALTER TIMPONE  
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20 JOHN S. SIFFERT  
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1 to inform any other resident that the premises may be subject  
2 to search pursuant to this condition. Those are special  
3 conditions.

4 You will report to the nearest probation officer  
5 within 72 hours of your release from custody, and you will be  
6 supervised by the district of residence, and indeed that's  
7 where in fact you will report.

8 I think probably, again, the restitution problem that  
9 we have, we'll give the government 90 days, as they requested,  
10 to provide me with what they believe is appropriate in the way  
11 of restitution.

12 And you are entitled to appeal. And if you ask  
13 counsel, I am sure that counsel will file a notice.

14 Surrender is, as indicated by me for Mr. Goldberg, and  
15 the bail, I presume the government will agree again that it  
16 will remain the same as it is now. And that bail takes us only  
17 until the surrender date. If you are designated, as with  
18 Mr. Goldberg, you may report to the institution. If you are  
19 not designated by that time, you will report to the United  
20 States Marshal by noon of that day, in this building.

21 Anything from counsel in the way of requests with  
22 respect with respect to Mr. Grimm?

23 MR. HEISS: Yes, your Honor. Our first request would  
24 be that the Court make the recommendation to the camp at Fort  
25 Dix, which is proximate to where Mr. Grimm lives and his family

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1 lives. That would be our first request.

2 THE COURT: I will be glad to do that. Again, as you  
3 indicate, this is a recommendation for which, sadly, I have  
4 really no control.

5 MR. HEISS: The only other two requests, your Honor,  
6 is that I would like to address the restitution point, but that  
7 could wait until you impose sentence on Mr. Carollo, and also  
8 the bail pending appeal issue, which can also wait.

9 THE COURT: I'll be glad to hear on the bail. I think  
10 it's a little ridiculous to hear you before we see what the  
11 government has asked. Maybe they don't believe there should be  
12 any.

13 MR. HEISS: I've heard her say that --

14 THE COURT: Well, how --

15 MR. HEISS: I'm sorry, on the restitution point?

16 THE COURT: Yes.

17 MR. HEISS: Oh, on that point, your Honor? May I be  
18 heard now? It won't take me long.

19 THE COURT: It certainly shouldn't, since you don't  
20 know what you're talking about. Not that that may stop you.

21 MR. HEISS: It hasn't stopped me, but on this score, I  
22 actually do know what I'm talking about.

23 THE COURT: Really? Well, tell me.

24 MR. HEISS: The probation department essentially made  
25 the same recommendation. What happened here -- and that's why

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Endorsement:

I think I accomplished your request at least for now.